



DOCKET NO.: D0617.70002US09/LADNER=7L

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ladner et al.
Serial No.: 09/896,095
Confirmation No.: 8870
Filed: June 29, 2001
For: DIRECTED EVOLUTION OF NOVEL BINDING PROTEINS
Examiner: Bennett M. Celsa
Art Unit: 1639

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 29th day of November, 2004.

Maria A. Trevisan, Reg. No. 48,207

Mail Stop Amendment
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are the following documents:

- Notice to Comply With Sequence Rules & Substitute Specification
- Amendment with Appendices A and B
- Substitute Paper and Computer Readable Form (CD-ROM) Sequence Listing
- Statement under 37 C.F.R. §1.821(g)
- Check in the amount of \$110.00 for One Month Extension of Time
- Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 646-8000, Boston, Massachusetts.

Serial No.: 09/896,095

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Confirmation No.: 8870

A check for \$110.00 is enclosed. If a fee is insufficient, the Commissioner is hereby authorized to charge Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,
Ladner et al., Applicants



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Docket No.: D0617.70002US09/LADNER=7L

Date: November 29, 2004

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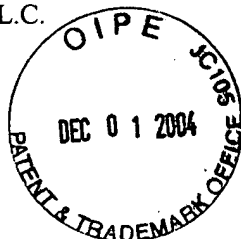
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(Ladner) (TRANS)

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/896,095	06/29/2001	Robert Charles Ladner	LADNER 7L	8870

7590 09/29/2004
BROWDY AND NEIMARK, P.L.L.C.
624 Ninth Street, N.W.
Washington, DC 20001



EXAMINER

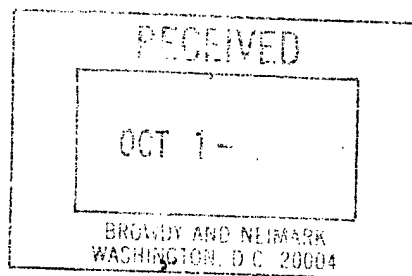
CELSA, BENNETT M

ART UNIT PAPER NUMBER

1639

DATE MAILED: 09/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



Copy to
docketing
10.22.04 ma



UNITED STATES
DEPARTMENT OF COMMERCE
Patent and Trademark
Office
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AND TRADEMARKS

Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTO
09/896,095			

EXAMINER	
UNIT	PAPER
ART	NUMBER
1639	9/24/04

Please find below a communication from the EXAMINER in charge of this application

NOTICE TO COMPLY WITH SEQUENCE RULES & SUBSTITUTE SPECIFICATION

The computer readable form (CRF) dated 5/10/02 and the Preliminary Amendment (dated 5/8/02) is acknowledged.

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2) but which fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the following reason(s):

The 542 page specification contains peptide/nucleotide sequences requiring identifiers **for example** in the drawings and upon Examiner review of @200 specification pages:

-figures 3 and 15; p.78(1.15-30);p.110(lines 1-10&25);p.151(1.25-35);p.163;p.203;p.204;etc.

The extensive nature of specification revision (e.g.the Preliminary Amendment:35+pages) and the need by the Examiner to properly evaluate sequence rule conformance mandates that **applicant provide a "SUBSTITUTE SPECIFICATION"** pursuant to 37 CFR 1.125 (including a marked up copy) as well as a new CRF.

Accordingly, a new CRF (and new matter statement), paper copy AND a Substitute specification incorporating SEQ Id's are all necessary for full sequence rule compliance.

Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

Applicant is given ONE MONTH from the mailing date of this communication within which to comply with the sequence rules, 37 CFR 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). Direct the reply to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the reply.

ATTACHMENT : NOTICE TO COMPLY ... SEQUENCE DISCLOSURES

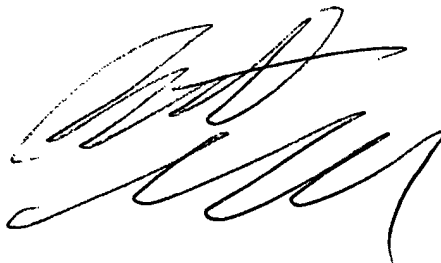
Conclusion

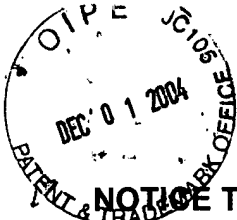
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Celsa whose telephone number is (571) 272-0807. If the examiner cannot be reached, inquiries can be directed to Supervisory Patent Examiner Andrew Wang whose telephone number is (571) 272-0811. Inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-0700.

Primary Examiner Bennett Celsa
ART UNIT 1639

September 24, 2004

BENNETT CELSA
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to be 'Bennett Celsa', written over a rectangular stamp that reads 'BENNETT CELSA PRIMARY EXAMINER'.



Application No.: **09/896,095**

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ Other: **missing seq. Id and the number and nature of spec. Amend. Requires substitute specification**

Applicant Must Provide:

- ☒ A **substitute** computer readable form (CRF) copy of the "Sequence Listing".
- ☒ A **substitute** paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

☒ A substitute Specification

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

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